

CHAPTER XXXII.

STATE PRISON.

JOSEPH B. WALKER.

Concord has ever welcomed such of its public institutions as the state has seen fit to establish within her limits. In return she has always shown a generosity commensurate with her ability by contributions in their behalf.

When, in March, 1782, the general court met in Concord for the first time, and the town possessed no other place for its sessions than the old North church, which could not be warmed, private enterprise fitted up a respectable hall for its accommodation in the upper story of a building now used as a dwelling-house, at the north end of Main street,¹ and the proprietor² placed at the use of the governor and other state officials such rooms in his own house as their exigencies required.

The next year this church was put in order for the court's accommodation, and a few years later public-spirited citizens contributed a suitable lot and five hundred and fifty-five dollars in money, to which the town, by a vote passed August 30, 1790, added "one hundred pounds, for building a house for the accommodation of the General Court," to be eighty feet long and forty feet wide, with posts of fifteen feet. In this the legislature thereafter held about one half of its sessions until 1808, when, having ceased to be migratory, this building continued as its stated place of meeting until 1819, when the state house became ready for occupancy and its site, some two acres in area, together with all the stone entering into its construction, transported to its destination, had been presented to the state as a free gift of the citizens of Concord.

Such also was the lot upon which the state prison had been erected half a dozen years before, and all of the granite required in its erection, together with the opening of two new streets which gave access to this building.³

When, in 1840, the New Hampshire Asylum for the Insane was about to be built, the town of Concord and some of its citizens contributed to that benevolent enterprise about ten thousand five hundred dollars, more than twice enough for the purchase of the extensive grounds upon which it was located.

¹ No. 225. ² Judge Timothy Walker. ³ Parts of State and Washington streets.

Also, in 1865, when the requirements of the state government had outgrown its capitol and its enlargement had become imperative, Concord appropriated one hundred and fifty thousand dollars for that purpose; and, having made the modifications called for, by the addition in front of a two-storied columnar portico of granite, by a large increase of its depth, by the erection of a lofty dome and a reconstruction of its entire interior, restored it thus remodeled to the state. To enhance the beauty of its park the city also opened Capitol street, on the south side of it, at an expense of about sixteen thousand dollars.

Still again, and quite recently, at the request of the commissioners for the erection of the state library, the city of Concord purchased the spacious area in its rear at a cost of twenty-five thousand dollars, removed from it the structures thereon, and devoted it as an open space to the perpetual benefit of that institution.

While, by the establishment of these several institutions within its limits, and the selection of it as its capital, the state has conferred marked favors upon Concord, it has also by so doing secured for these centrality of position and ease of access to and from all parts of its domain.

Provincial Prisons. One of the earliest mentions of a New Hampshire prison may be found in Number 34 of the Province Laws, enacted about 1697, wherein it is quaintly said:

“Whereas great inconveniency may arise for want of a Prison within this Province;

“Be it enacted . . . That y^e Treasurer doe forthwth agree with Mr Sam^l Cutt for his Wind-Mill in Portsm^e and cause the same to be fitted for a Prison until further care be taken thereabout defraying the charges thereof out of y^e Public Treasury.”¹

“Further care was taken thereabout,” November 9, 1699, when it was “Voted that a strong log house be built in the Province for a Prison, of thirty foot long, fourteen wide, one story of seven foot high, two brick chimneys in the mids, five foot each, to be done forthwith strong and substantial, the Treasurer, the overseer, and the charge to be paid out of the next Province Assessment: to be sett in Portsmouth in or near the Great Fort.”² Mr. Brewster says this prison stood near Market square.³

How long this prison may have served its purpose is not clear. August 7, 1730, it seems to have been sold and the committee in charge of the sale were ordered to pay to the Treasurer the money received for it.⁴ If a new one was built about this time, as seems

¹ Prov. Papers, Vol. III, p. 203.

² Prov. Papers, Vol. III, p. 88.

³ Brewster's Rambles, Series II, p. 84.

⁴ Prov. Papers, Vol. IV, pp. 461, 462.

probable, and may have been the one to which Mr. Brewster alludes, it did not at first prove satisfactory, as appears by the report of a committee to the house, May 25th, 1728, in which it is spoken of as a *two-story building*, needing additional locks and bars for its doors and windows.¹

The Provincial Papers contain repeated complaints in regard to this prison, but little seems to have been done to improve it down to the time of the Revolution, when, upon the abdication of the royal governor, it became the property of the state.

State Prisons. For nearly forty years after its adoption of a state government, New Hampshire had no state prison. Criminals and poor debtors were confined in the county jails, and during the Revolution Tories were not unfrequently sent there. But soon after the opening of the present century, the insufficient accommodations and unsanitary conditions thereof attracted public attention. The absurdity of maintaining criminals in idleness, at the public expense, for years or for life, who might be made self-supporting, became more and more apparent. Humanity, economy, and common sense suggested the collecting at one point all such, and there employing them in industries whose avails might relieve the public of their support.

The subject excited general attention outside of New Hampshire, and different states established state prisons as fast as the public sentiment within their respective limits demanded them. The Massachusetts state prison, at Charlestown, was opened in 1803; that of Vermont, at Windsor, in 1808; and those of other New England states at dates not distant from these.

The erection of a prison in this state first gained the consideration of the legislature at its June session in 1810, when, after full discussion in both branches, resolutions were passed providing for the building of a prison of granite² at Concord, at an expense not exceeding thirty-five thousand dollars, on condition that the town would furnish a suitable site and deliver upon it, free of cost to the state, all the stone required in the construction of its buildings and walls.

This condition having been fully complied with by the town and private citizens, a contract was concluded with Stuart J. Park for the erection of an administration building, a south wing, and an adjoining rear yard wall, for the sum of thirty-five thousand dollars. The first was to be three stories high, fifty feet long, twenty-two feet wide, and covered by a hipped roof surmounted by a belfry. The wing was to be three stories high, eighty feet long, thirty-six feet wide, and to contain thirty-six cells, located on the opposite sides of three longitudinal corridors. The rear yard wall was to be some fifteen feet

¹ Prov. Papers, Vol. IV, p. 497.

² House Journal, 1810, pp. 107, 108.

high, crowned with guard boxes and an outside rail. The cells of the first and second stories of the wing were to be lighted by long and narrow apertures in the front and rear walls, some five or six inches wide and thirty inches high; those of the third story by small, square windows, inserted in openings about three feet square, guarded by iron gratings. A front yard was to be inclosed by a semi-circular picket fence, some fifteen feet high. The time allowed for the completion of the work was three years. William B. Darling of Hopkinton and William A. Kent and Jeremiah Parker of Concord were appointed agents of the state to superintend it.

The stone required came from the land of Benjamin Kimball, near the site of the present prison. The season proving favorable, a portion of it was transported to its destination the succeeding autumn (1810). Such was the progress of the work that the contractors

asked and obtained leave to complete it in two years instead of three, and in the autumn of 1812 the entire structure was delivered in full completion to the state.

By an agreement made with the contractors during the progress of the work, a fourth story was added to the administration building, at a cost of one thousand dollars. For the furnishing of this building, and for culinary equipments, an additional apportionment of thirteen hundred dollars was made, increasing the original one to thirty-seven thousand three hundred



Original State Prison.

dollars. In their final report the constructing agents say that, owing in part to the sinking of a well in the prison yard, their expenditures had exceeded the sum placed at their disposal in the sum of twenty-seven dollars and seventy-six cents. This deficiency was graciously provided for by a prudent legislature, and their account was allowed and closed.

Inasmuch as the erection of a state prison involved the purpose of the state to substitute imprisonment and confinement to hard labor for many of the former penalties for crime, it became necessary to revise its penal code. To that end the legislature appointed an able committee, consisting of Jeremiah Mason, Daniel Webster, and John Goddard, all of Portsmouth, to consider this subject and suggest such alterations of the existing statutes as to them might seem desirable.

In accordance with their recommendations the legislature, at its June session, in 1810, passed "An act for the punishment of certain crimes by solitary imprisonment and confinement to hard labor," which was approved by the governor on the nineteenth day of that month.

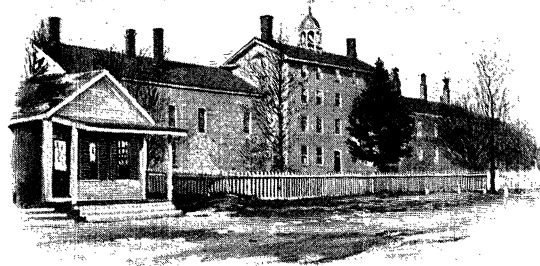
This law reduced the existing capital crimes of treason, murder, rape, sodomy, burglary, arson, robbery, and forgery of public securities, of which the punishment was death, to the two first mentioned. The penalty of the other six was changed to solitary imprisonment for not less than six months, and confinement to hard labor for periods varying from one to twenty years, or for life.

Thus constructed and equipped with this modification of the penal laws the state prison entered upon its career under the immediate control of three directors and a warden appointed by the governor and council, aided by such subordinates as were found necessary. On the 24th of November, 1812, it received as its first prisoner John Drew, of Meredith, sentenced to a five years' term for horse stealing.

For a time the prison and its operations excited great public interest and commendation. President Dwight, of Yale college, who visited Concord in 1812, found it in strong contrast with the old Granby state prison of his own state, and in his "Travels," speaks of it as

"a noble edifice of beautiful granite."¹ The number visiting it became embarrassing to such a degree that the directors felt obliged to give published notice, dated December 25, 1812, "That after the first of January next no spectator shall be admitted into the prison or apartments, except on Saturday, of each week, from 10 to 12 o'clock a. m., and from 2 to 5 p. m.," except in special cases.

This prison answered the demands made upon it for nearly twenty years, at the expiration of which the number of convicts had so increased as to call for its enlargement. In 1831 the legislature ordered the erection of an additional wing to be joined to the administration building on the north, and to contain one hundred and twenty cells of a proper size to accommodate one person each. Such a building was thereupon constructed of block stone, laid in courses, two stories high, one hundred and twenty-seven feet long and thirty-



Original Prison, with Additions.

¹ Dwight's Travels, London Ed., Vol. 4, p. 130.

seven feet wide. The cells, which were of brick and provided with iron doors, were about six and a half feet high, six and a half long, and three and a half broad, the interior of each having a space of about one hundred and forty-eight cubic feet. These were constructed in a block of three tiers, surrounded by a corridor which occupied the space between the cells and the walls of the building. This wing was completed in 1833 at a cost of seventeen thousand six hundred and forty-eight dollars. To it were removed all the male prisoners, to whose occupancy it was subsequently devoted.

In the south wing living apartments were constructed for the use of the deputy warden and his family. About 1869 a new French roof was substituted for the old one which had covered this structure, and cells were built upon the upper floor for female prisoners.

Thus enlarged the old state prison served fairly well the purpose for which it was constructed until about 1875, when the increase of crime having kept pace with that of the state's population demanded its further enlargement or the construction of a new one. The number of prisoners had grown from one in 1812 to two hundred and twelve in 1877, when for want of cell room some forty or more were insecurely lodged in the chapel.

At its June session, in the latter year, the needs of the prison were called to the attention of the legislature, which decided "That the erection and construction of a new state prison is now imperatively demanded, not only by considerations of humanity and economy, but also for the advancement of the public interests and for the protection and security of the public peace and public safety."

It also ordered "That His Excellency, the governor, with the advice of the council, be hereby authorized to appoint three commissioners whose duty it shall be to procure plans and specifications for the construction of a new state prison, with all necessary offices, workshops, and appurtenances, at a cost not to exceed the sum of two hundred thousand dollars, and of sufficient capacity in all its parts and appointments to accommodate and employ two hundred convicts."

In accordance with these directions John Kimball, Albert M. Shaw, and Alpha J. Pillsbury were appointed commissioners of construction, and entered upon a discharge of the duties assigned them. A site was selected and ground was broken on the third day of May, 1878. With appropriate formalities, the entire group of prison buildings and adjoining walls were transferred in completeness to the state on the twenty-eighth day of October, 1880.

The present prison grounds consist of twenty-one and fifty-four one hundredths acres, situated upon the west side of the West Con-

cord road, about one and two thirds miles north of the state house, extending nineteen hundred and seventy-one feet on that highway, and back therefrom five hundred and fifty feet, in addition to the railroad track leading thereto from the Concord & Claremont Railroad.

The new prison structures consist of a central building and two adjoining wings, house for the use of the officers and guards, shops, yard walls, and stables. The north wing, occupied by male convicts, contains two hundred and forty-eight cells, each eight feet long, six wide, and seven and a quarter high, inclosing an interior of three hundred and forty-eight cubic feet. The south wing, designed for female convicts, has twelve of larger dimensions.

This prison is furnished with offices, a guard room, a chapel, a library, a hospital, a laundry, a kitchen, bathing rooms, and other sanitary conveniences. It was enlarged from the original plan, during construction, by order of the legislature, which made additional appropriations therefor of thirty-five thousand dollars. Its whole cost, including the land attached to it, was two hundred and thirty-four thousand eight hundred and forty-one dollars and thirty-one cents (\$234,841.31), an amount less by one hundred and fifty-eight dollars and sixty-nine cents than the sum of the appropriations before mentioned. Its cost per prisoner was nine hundred and three dollars and twenty-three cents.

The old prison's earnings generally exceeded its expenditures. In October, 1825, its profits had accumulated to such an extent that its second warden was enabled to pay into the state treasury the sum of ten thousand dollars. During most of the subsequent years of its occupancy it was a source of income to the state, and in 1880 had built up a prison fund from its surplus earnings of sixty thousand dollars. Indeed, about one third of the amount expended in the construction of the present prison was derived from this fund and from the sale of the buildings and lands of its predecessor.

The reports of the operations of the new prison have been less favorable. From 1881 to 1896, those of three years show an aggregate profit of five thousand four hundred and ninety-five dollars and thirty-one cents (\$5,495.31), while those of the other thirteen show an aggregate loss of fifty-two thousand eight hundred and ninety-two dollars and sixty-six cents (\$52,892.66).



Present State Prison.

Since its opening, a period of eighty-five years, the New Hampshire state prison has had twenty different wardens, whose names and terms of service have been as follows:

Trueworthy G. Dearborn	1812-1818.
Moses C. Pilsbury	1818-1826.
Daniel Connor	1826-1829.
Abner P. Stinson	1829-1834.
John McDaniels	1834-1837.
Moses C. Pilsbury	1837-1840.
Lawson Coolidge	1840-1843.
Samuel G. Berry	1843-1847.
James Moore	1847-1850.
Rufus Dow	1850-1853.
Gideon Webster	1853-1855.
William W. Eastman	1855-1859.
John Foss	1859-1865.
Joseph Mayo	1865-1870.
John C. Pilsbury	1870-1880.
Frank S. Dodge	1880-1887.
J. Horace Kent	1887-1888.
George W. Colbath	1888-1894.
Nahum Robinson	1894-1896.
Charles E. Cox	1896-

Some of these were most ably qualified for the responsible position of warden; notably so, the Pilsburys, father and son, who superintended its affairs with marked ability as disciplinarians and financiers for about one quarter of the entire period of its existence.

The appointment of the warden of the state prison was originally vested in the governor and council. Here it remained until January 13, 1837, when it was transferred to the legislature. From this time until June 20, 1870, the office was an elective one by the members of that body. At that time the appointing power was restored to the governor and council, where it now rests.

The whole number of committals to the state prison during the period, 1812-'98, was three thousand and twenty-six. It has varied from one in 1812, to sixty-eight in 1896. During this time four hundred and thirty-six, or fifteen per cent. of this number, have been pardoned before the expiration of their terms of sentence. At times, the pardoning power has been exercised with great freedom. During the period, 1844-'56, inclusive, the pardons granted were one hundred and fifty-nine, a number equal to forty-four per cent. of the whole number of committals during that period.

The vigilance of the prison officials is attested by the fact that of the nearly three thousand prisoners committed to their custody from first to last, but twenty have escaped; and that, since 1871, no one

has gained his liberty except by executive clemency or the legal termination of his judicial sentence.

A careful consideration of the construction, industries, and management of the New Hampshire state prison clearly proves that it is entitled to the respectable rank which it enjoys when compared with the best punitive institutions of this country.